



## MEMORANDUM

**DATE:** February 22, 2008

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the March 4, 2008, Meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on March 4, 2008, at the Hilton Pasadena Hotel, located at 168 South Los Robles Avenue, Pasadena, CA 91101, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item. Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any materials related to items considered in the public sessions of March 4, 2008, please contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-1028. Certain materials are also available via the Internet at: <http://www.spb.ca.gov/about/board/agenda/index.htm>.

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone number above.

April Partington  
Secretariat's Office

Attachment

# **STATE PERSONNEL BOARD AGENDA**



**MARCH 4, 2008**

**PASADENA, CA**



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



**BOARD MEETING – MARCH 4, 2008**

Public and Closed Session Location

Pasadena Hilton – Monterey Room  
168 South Los Robles Avenue  
Pasadena, CA 91101

**BOARD MEETING AGENDA<sup>1</sup>**

**March 4, 2008**

9:00 a.m. – 1:00 p.m.  
(Or upon completion of business)

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER**  
- Suzanne M. Ambrose
- 3. REPORT OF THE CHIEF COUNSEL**  
- Elise S. Rose
- 4. REPORT ON LEGISLATION**  
- Elise S. Rose
- 5. NEW BUSINESS**  
Items may be raised by Board Members for scheduling and discussion for future meetings.
- 6. NOTIFICATION OF THE DUTIES OF PUBLIC OFFICIALS PURSUANT TO THE POLITICAL REFORM ACT (Gov. C §§ 8100 et seq.)**  
- Elise S. Rose
- 7. ORAL ARGUMENT**  
In the matter of **CASE NO. 05-3327A**. Appeal from dismissal. Medical Technical Assistant. Department of Corrections and Rehabilitation.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

- 8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**  
Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(c)(3), 18653(3)].
- 9. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

Deliberations on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.  
[Government Code Sections 11126(c)(3), 18653].

**10. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1), 18653].

California Highway Patrol, et al. v. State Personnel Board, et al.  
Sacramento Superior Court  
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.  
Sacramento Superior Court  
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 THE

**11. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the Legislature.  
[Government Code section 18653].

**12. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653].

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**13. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR MARCH 25, 2008, IN SACRAMENTO, CALIFORNIA.**

**BOARD ACTIONS:**

**14. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE JANUARY 22, 2008 BOARD MEETING.**

15. **EVIDENTIARY CASES**

A. **BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 05-4007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

(2) **CASE NO. 06-3014PA**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

Oral argument continued.

Oral argument heard December 4, 2007, San Francisco.

Case ready for decision by FULL Board.

(3) **PSC No. 07-02, CASE NO. 07-003(b)**

Appeal from Executive Officer's disapproval of Personal Services Contract for Janitorial Services

**Department:** Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

(4) **PSC No. 07-04**

Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services

**Department:** Department of Mental Health

Oral argument heard December 4, 2007, San Francisco.

Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

- (1) **CASE NO. 05-3327A**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation

**C. CHIEF COUNSEL RESOLUTIONS**

- (1) **CASE NO. 06-3665E**  
Appeal from Denial of Discrimination Complaint  
**Classification:** Business Taxes Representative  
**Department:** Board of Equalization
- (2) **CASE NOS. 98-4118B & 99-0772B**  
Appeal from denial of reasonable accommodation  
**Classification:** Institution Artist, Facilitator  
**Department:** Department of Corrections and Rehabilitation
- (3) **RESOLUTION FROM THE STATE PERSONNEL BOARD**  
The State Personnel Board is requesting the adoption of a Resolution regarding the Receiver's Request for Delegation of Specified State Personnel Board Functions.

**COURT REMANDS**

These cases have been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 07-1958**  
Appeal from rejection during probation  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles
- (2) **CASE NO. 06-4434E**  
Appeal from denial of discrimination complaint and whistleblower retaliation  
**Classification:** Painter II  
**Department:** Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-4268**  
Appeal from dismissal  
**Classification:** Business Service Officer I (Supervisor)  
**Department:** Department of Water Resources
- (4) **CASE NO. 06-3598**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (5) **CASE NO. 07-2189**  
Appeal from non-punitive termination  
**Classification:** Vocational Instructor (Welding)  
**Department:** Department of Corrections and Rehabilitation

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT A PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (6) **CASE NO. 05-4211R**  
Appeal from ten percent reduction in salary for 12 months  
**Classification:** Parole Agent I  
**Department:** Department of Corrections and Rehabilitation



**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

**NONE**

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case previously decided pursuant to Government Code, section 19683 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 07-0850A**

Appeal from non-punitive termination

**Classification:** Clinical Social Worker

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

Oral argument continued.

Oral argument set for March 3-4, 2008, Los Angeles.

Oral argument continued.

Oral argument set for April 7, 2008, Sacramento.

**(2) CASE NO. 05-3327A**

Appeal from dismissal

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

Oral argument continued.

Oral argument set for March 3-4, 2008, Los Angeles.

**(3) CASE NO. 06-3747A**

Appeal from dismissal

**Classification:** Parole Agent I

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 8, 2008.

Transcript prepared.

**16. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth

substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

## **17. NON-EVIDENTIARY CASES**

### **A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

#### **WITHHOLD FROM CERTIFICATION** **CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

#### **WITHHOLD FROM CERTIFICATION** **CASES NOT HEARD BY A STAFF HEARING OFFICER**

##### **(1) CASE NO. 06-2357N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; use of oral anabolic steroids and termination from employment within eight months of participating in the peace officer selection process.

##### **(2) CASE NO. 06-3466N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; illegal drug use.

##### **(3) CASE NO. 06-3474N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; negative law enforcement contacts.

- (4) **CASE NO. 06-3565N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts.
- (5) **CASE NO. 06-2721N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; illegal drug use.
- (6) **CASE NO. 06-4672N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; termination from employment within one year of applying to the CDCR.
- (7) **CASE NO. 06-4171N**  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Health Services  
**Issue:** Suitability; minimum qualifications.
- (8) **CASE NO. 06-4117N**  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Health Services  
**Issue:** Suitability; minimum qualifications.
- (9) **CASE NO. 06-3508N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; failure to provide honest and accurate information in his PHS.
- (10) **CASE NO. 06-4442N**  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Social Services  
**Issue:** Suitability; minimum qualifications.
- (11) **CASE NO. 06-4546N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Illegal drug use.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**DISMISSED CASES**

- **CASE NO. 07-1330N**  
**Classification:** Cadet  
**Department:** California Highway Patrol
- **CASE NO. 07-3383N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

- (1) **CASE NO. 06-0012N**  
**Classification:** Maintenance Supervisor  
**Department:** Department of Transportation  
**Issue:** The charging party requests to file charges for violations of various subsections of Government Code §19572.

**PETITIONS FOR REHEARING CASES**

**NONE**

**18. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**CHIEF EXECUTIVE OFFICER, HEALTH CARE (SAFETY),  
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation proposes to establish a new safety classification, Chief Executive Officer, Health Care (Safety), with a one year probationary period.

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**19. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**PROJECT MANAGER, WORKFORCE MANAGEMENT, HR  
MODERNIZATION PROJECT**

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The position will be responsible for, or participate in the development and management of the project plan and deliverables for the workforce planning, performance management, training, and change management components of the project; ensuring integration with the other project components. Position is a high administrative and policy-influencing position and will be highly visible and subject to media and legislative attention.

**ASSOCIATE DIRECTOR, HUMAN RESOURCES**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The position provides and directs the uniform implementation of departmental policy and procedures impacting human resources operations. The Associate Director provides leadership and guidance for HR's component of the Department's Strategic Plan and performance management system.

**FI\$CAL PROJECT EXECUTIVE**

The Financial Information System for California (FI\$Cal) proposes to allocate the above position to the CEA category. The position fulfills substantial leadership and policy setting responsibilities for a project of significant scope, complexity and sensitivity. The FI\$Cal Project will transform the budgeting, accounting, and procurement functions of all state departments.

**PRESIDING ADMINISTRATIVE LAW JUDGE**

The State Personnel Board proposes to allocate the above position to the CEA category. Under general direction of the Chief Administrative Law Judge of the State Personnel Board, will plan, coordinate, and manage the work of the Administrative Law Judges of the State Personnel Board in conducting hearings and other proceedings within the Appeals function of the State Personnel Board.

**CHIEF, OFFICE OF POLLUTION PREVENTION AND TECHNOLOGY  
DEVELOPMENT**

The Department of Toxic Substances Control proposes to allocate the above position to the CEA category. The position will plan, organize, and direct the activities of the Office of Pollution Prevention and Technology Development. The position is part of the executive management team which will develop policy for three major statewide program areas.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**



**PROJECT MANAGER, ENTERPRISE TRANSITION MANAGEMENT PROJECT**

The Public Employees' Retirement System's request to allocate the above position has been approved effective January 30, 2008.

**CHIEF, IN-PRISON PROGRAMS AND SUPPORT**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective January 30, 2008.

**DEPUTY DIRECTOR**

The California High-Speed Rail Authority's request to allocate the above position has been approved effective January 31, 2008.

**ASSISTANT DEPUTY DIRECTOR, OFFICE OF HEALTH PLAN OVERSIGHT**

The Department of Managed Health Care's request to allocate the above position has been approved effective January 10, 2008.

**ASSISTANT EXECUTIVE DIRECTOR, SALINAS VALLEY PSYCHIATRIC PROGRAM**

The Department of Mental Health's request to allocate the above position has been approved effective February 4, 2008.

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**23. BOARD ACTIONS ON SUBMITTED ITEMS**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

**SUBMITTED**

(1) **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002).

(2) **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002).

March 4, 2008

**(3) TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding “Safety” as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.

(Presented to Board March 4, 2003).

**(4) PERSONAL SERVICES CONTRACT NO. 04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004).

**(5) CASE NO. 05-4007EA**

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation.

(Oral argument held July 10, 2007).

**(6) PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.  
(Oral argument held on September 4, 2007).

**(7) CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and rehabilitation.

(Oral argument held on December 4, 2007).

**(8) PERSONAL SERVICES CONTRACT NO. 07-04.** Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health.  
(Oral argument held on December 4, 2007).

**24. STRATEGIC PLANNING SESSION**  
**– California State Personnel Board Staff**

**A D J O U R N M E N T**



# CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



(Cal. 03/04/08)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry A. Evans  
Director of Legislation

Attachment

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
<a href="#">AB 503</a> ( <a href="#">Swanson</a> )	<b>Watch</b>	Would require the California Research Bureau to conduct a study, to be submitted to the Legislature by June 30, 2008, on issues related to a requirement that state and local agencies provide eight hours' written notice to employees who are required to work overtime. The bill would require the study to address the impacts of such a requirement on both employers and employees .	06/14/2007-Referred to Com. on RLS. 06/14/2007-S RLS.
<a href="#">AB 671</a> ( <a href="#">Beall</a> )	<b>No Position</b>	Would make legislative findings and declarations regarding the state's responsibility for the well-being of foster youth and former foster youth. The bill would require the State Personnel Board to establish an Emancipated Foster Youth Examination and Appointment Program to promote the hiring of qualified foster youth in specified entry level positions in any state agency or department as determined by the board. The bill would require the board or its designee to conduct competitive examinations to determine the qualifications and readiness of emancipated foster youths for state employment. It would require that all examination appointments to positions under the program be made on a temporary and provisional basis, and would provide that, with the approval of the board, a candidate who successfully completes this temporary period may be appointed, without further examination, to an appropriate position in which civil service status may accumulate. The bill would allow applicants for and candidates in the program examination process to appeal specified actions . This bill contains other related provisions and other existing laws.	08/30/2007-In committee: Set, first hearing. Held under submission. 08/30/2007-S APPR. SUSPENSE FILE
<a href="#">AB 865</a> ( <a href="#">Davis</a> )		Would name these provisions the State Agency Live Customer Service Act. It would require each state agency to answer an incoming call on its main public line with a live customer service agent or automated telephone answering equipment with an automated prompt that allows a caller to select the option to speak with a live customer service agent, subject to certain exceptions.	02/07/2008-Referred to Com. on G.O. 02/07/2008-S G.O.
<a href="#">AB 890</a> ( <a href="#">Aghazarian</a> )	<b>Watch</b>	This bill would reestablish a Commission on Correctional Peace Officer Standards and Training ("CPOST") to be located within the Department of Corrections and Rehabilitation, as specified, and to remove responsibility for the training of correctional officers from the Corrections Standards Authority ("CSA").	08/30/2007-In committee: Set, first hearing. Held under submission. 08/30/2007-S APPR. SUSPENSE FILE
<a href="#">AB 1496</a> ( <a href="#">Swanson</a> )	<b>No Position</b>	For the counties and cities that have a civil service, personnel, or merit system, Assembly Bill 1496 requires them to classify all employees by March 1, 2008.	07/11/2007-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

			07/11/2007-S L. GOV.
<a href="#"><u>AB 1779</u></a> ( <a href="#"><u>Jones</u></a> )		Existing law requires any state agency, or a person or business that conducts business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose any breach of the security of that data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Existing law allows for that disclosure by written notice, electronic notice, or, upon a specified condition, by substitute notice, which, if utilized, also requires notification to major statewide media. This bill, if substitute notice is utilized, would require that notice to also be provided to the Office of Privacy Protection	02/07/2008-Referred to Com. on JUD. 02/07/2008-A JUD.
<a href="#"><u>SB 26</u></a> ( <a href="#"><u>Simitian</u></a> )	<b>Neutral</b>	This bill would require that demographic data collection by race be structured in a manner that allows the surveyed individual to select more than one race. A single category labeled "multi-racial" would be prohibited.	08/30/2007-Set, second hearing. Held in committee and under submission. 08/30/2007-A APPR. SUSPENSE FILE
<a href="#"><u>SB 364</u></a> ( <a href="#"><u>Simitian</u></a> )		Would require the agency, person, or business, in addition to the duties specified above, to electronically report the breach to the Office of Information Security and Privacy Protection, as specified.	01/30/2008-In Assembly. Read first time. Held at Desk. 01/30/2008-A DESK
<a href="#"><u>SB 721</u></a> ( <a href="#"><u>Ashburn</u></a> )	<b>Watch</b>	By January 1, 2010, this bill would require every state agency to establish and implement a succession plan, as defined. By January 1, 2012, the bill would require every state agency to report to the Legislature on the success or failure of the implemented succession plan, as specified.	08/30/2007-Set, second hearing. Held in committee and under submission. 08/30/2007-A APPR. SUSPENSE FILE
<a href="#"><u>SB 870</u></a> ( <a href="#"><u>Ridley-Thomas</u></a> )	<b>Neutral with Amendments</b>	Would require an adverse action against a managerial, supervisory, or confidential employee, as defined, to commence within one year of the cause for discipline.	09/07/2007-Placed on inactive file on request of Assembly Member De Leon. 09/07/2007-A INACTIVE FILE
<a href="#"><u>SB 1019</u></a> ( <a href="#"><u>Romero</u></a> )	<b>Support if amended</b>	Would state the intent of the Legislature to abrogate the California Supreme Court decision in Copley Press, Inc. v. Superior Court and to restore public access to meetings and hearings regarding peace officer discipline that were open prior to the Copley Press decision. This bill contains other related provisions.	06/26/2007-Set, first hearing. Held in committee without recommendation. 06/26/2007-A PUB. S.

**STATE PERSONNEL BOARD  
NON-HEARING CALENDAR  
RE: BOARD DATE MARCH 04, 2008**

(Cal. 03/04/08)

**MEMO TO :** STATE PERSONNEL BOARD  
**FROM :** MIKE STRAZZO, Merit Operations Division  
**SUBJECT :** Non-Hearing Calendar Items for Board Action

**Page**

**CHIEF EXECUTIVE OFFICER, HEALTH CARE (SAFETY),  
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

201

The Department of Corrections and Rehabilitation proposes to establish a new safety classification, Chief Executive Officer, Health Care (Safety), with a one year probationary period.

TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation  
Plata Support Division  
California Department of Corrections and Rehabilitation

SUBJECT: Proposed establishment of a new safety classification, Chief Executive Officer, Health Care (Safety), with a one year probationary period.

SUMMARY OF ISSUE:

Federal Court Receiver Robert Sillen requests the establishment of a classification entitled Chief Executive Officer, Health Care (Safety) in order to create a health care management structure within the California Department of Corrections and Rehabilitation's adult institutions. This classification will be utilized in institutional settings.

CONSULTED WITH:

Daphne Baldwin, State Personnel Board  
Linda Buzzini, California Prison Healthcare Receivership  
Robin Dezember, Department of Corrections and Rehabilitation

BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical healthcare delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

"...to control, oversee, supervise and direct all administrative, personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR."  
(Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:



“...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system.” (Order Appointing Receiver, lines 4-7)

Among the Receiver’s specified powers are:

“...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care.” (Order Appointing Receiver, p.4, lines 13-17)

The Order also empowers the Receiver to:

“...establish personnel policies and to create, abolish or transfer positions related to the delivery of medical health care to class members.”

On July 3, 2007, an Order Re Receiver’s Motion for Waiver of State Law re Receiver’s Career Executive Assignments was issued, which recognized that:

“...the lack of medical leadership has...profound consequences for the delivery of medical care...[and] remedying the unconstitutional medical conditions within CDCR will necessarily require the infusion of new medical care executives/administrators who are well qualified and committed to revamping the current dysfunctional system and establish a culture of competence and professionalism.” (Order Re Receiver’s Motion Re...Receiver Career Executive Assignments, p.5, lines 16-20)

“...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service.”

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon “a mechanism for hiring medical healthcare executives/administrators for the CDCR” consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

The Chief Executive Officer, Health Care (Safety) classification is the third classification to be developed under the auspices of this order. Incumbents in this class plan and coordinate implementation of a health care delivery system in California Department of Correctional and Rehabilitation (CDCR) adult institutions including supervision of health care program managers responsible for medical, nursing, mental health and dental care within each institution for purposes of ensuring the coordinated and effective delivery of quality care by multidisciplinary personnel.

The classification includes minimum education, licensure and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and required knowledge and abilities identified by subject matter experts as essential to successful job performance.

#### SAFETY DESIGNATION:

The Chief Executive Officer, Health Care (Safety) is proposed as a "Safety" classification as all incumbents will have regular and substantial contact with inmates including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations. The duties of this proposed class are currently performed by individuals in a variety of classifications, all of which are designated as safety.

#### PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

#### SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education, experience, and licensure requirements. Possession of required knowledge and abilities will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and desirable qualifications based examination may be appointed to various assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."

**RECOMMENDATION:**

That the classification of Chief Executive Officer, Health Care (Safety) be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective March 4, 2008.

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

Schematic Code:	SA05
Class Code:	8216
Established:	_____
Revised:	--
Title Changed:	--

### CHIEF EXECUTIVE OFFICER, HEALTH CARE (SAFETY)

#### DEFINITION

Incumbents, under the direct supervision of the Regional Health Care Program Administrator, plan, organize, and coordinate implementation of a health care delivery system in California Department of Corrections and Rehabilitation (CDCR) adult institutions; supervise health care program managers responsible for medical care, nursing care, mental health care, and dental care within the institution for purposes of ensuring the coordinated and effective delivery of quality care by multidisciplinary personnel; may supervise program managers responsible for all administrative services functions within health care; ensure adequate resources are requested to support health care operations; administer a multi-million dollar budget, multiple on-site clinics, and a delivery system that features a full range of medical, mental health, dental, pharmacy and medication management, and specialty care services across multiple levels of care; and perform other related duties.

#### TYPICAL TASKS

An incumbent implements a multi-functional health care delivery system within one or more specified institutions; establishes and maintains a quality management program to ensure that health program implementation is consistent with appropriate standards, legal mandates, and strategic plans and standards; ensures that health care staff routinely evaluate health care programs, develops initiatives to improve services, and successfully implements initiatives to improve the quality and cost-effectiveness of services; manages the institution's resource needs and ensures that the health care services delivery system requests adequate clinical staff and administrative support, including procurement, capitol outlay, staffing, and information systems support; ensures the coordinated and effective implementation of program policies, standards, and protocols determined to be necessary; ensures performance expectations are established and met; is responsible for implementing an ongoing program to monitor, evaluate, and improve the timeliness and quality of care; works closely with the institution warden to resolve day-to-day operational issues, as well as larger, systemic issues; acts as a

health care liaison for stakeholder groups; serves as the Department's and Receiver's principal advisor on the institution-specific application of health care policies and procedures; assists the Department and Receiver in determining health care priorities, plans, policies, and programs; identifies related resources needs; participates in statewide training programs and ensures staff participation; has regular and substantial contact with inmates, including private meetings with inmates; is responsible for maintaining the safety of persons and property; maintains order and supervises the conduct of inmates; maintains security in working areas and with regard to medication and work materials; inspects premises for contraband, such as weapons or illegal drugs; observes and intervenes in inmate behavior that may signal disruptive or assaultive behavior; and takes steps to defuse potentially volatile situations.

#### MINIMUM QUALIFICATIONS

##### Either I

Experience: Three years of progressively responsible executive level experience in health care administration or medical management, which must have included at least two years with responsibility for supervision of a broad variety of clinical, administrative, management, and clinical support services in a setting comparable to those found within a large hospital, health maintenance organization, or other health care system. and

Education: Possession of a Master's Degree in Public Health, Health Administration, Medical Management, Health Planning, Public Administration, or a closely related health professional or business management field.

##### Or II

Experience: Five years of progressively responsible executive level experience in health care administration or medical management which must have included at least three years with responsibility for supervision of a broad variety of clinical, administrative, management, and clinical support services in a setting comparable to those found within a large hospital, health maintenance organization, or other health care system. and

Education: Possession of a Bachelor's Degree in health services administration or a related field.

#### KNOWLEDGE AND ABILITIES

Knowledge of: Issues and problems involved in managing the administrative, fiscal, and clinical services of a large and complex multidisciplinary health care delivery system; principles of personnel management and supervision of a multi-disciplinary workforce; principles, practices, and trends of organization and management as they relate to an institution health care setting; laws, regulations,

and standards pertaining to health care administration in a correctional setting; fiscal management practices; principles, practices, and trends of organizational leadership; cost and data management systems associated with patient care and evaluation of health care delivery systems; uses and application of information technology; current trends and developments in the field of health care administration; basic principles of emergency and disaster preparedness planning; and a manager's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Communicate effectively; plan, organize, direct, and evaluate health care and administrative services to meet treatment needs within an institution setting; establish and maintain cooperative working relationships with those contacted in the course of the work; evaluate information and make recommendations based upon data from management or automated systems; create and develop collaborative teams; analyze data and situations and take appropriate action; execute progressive discipline; motivate staff to accomplish common goals; prepare clear, concise, and comprehensive reports; effectively develop and implement strategies to accomplish program missions; develop staff and assess training and developmental needs; attract and recruit qualified staff; and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

#### SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; be empathetic and sympathetic and demonstrate a respectful understanding of patients in a state correctional facility or clinic. Incumbents must possess and maintain sufficient strength, agility, and endurance to perform during physically, mentally, and emotionally stressful situations and emergencies encountered on the job without endangering their own health and well-being or that of fellow employees, forensic clients, inmate-patients, or the public.

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(Cal. 03/04/2008)

**MEMO TO** : STATE PERSONNEL BOARD  
**FROM** : MIKE STRAZZO, Merit Operations Division  
**SUBJECT** : Staff Calendar Items for Board Information

**NONE PRESENTED**